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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,055	10/04/2004	Scott Allan Kendall	PU020098	6272

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EXAMINER	
CHOWDHURY, NIGAR	

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2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/510,055	KENDALL, SCOTT ALLAN	
	Examiner	Art Unit	
	NIGAR CHOWDHURY	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 December 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 October 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/18/2007 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1, 21-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,847,778 by Vallone et al. in view of US 6,360,053 by Wood et al.

2. Regarding **claim 1**, Vallone discloses a video playback apparatus (Col. 7 line 10-16) having means to invoke one of a replay function and reverse functions upon receipt of a first signal, and means to invoke one of a skip function and a forward function upon receipt of a second signal different from the first signal (Fig. 9, Col. 10 line 4-19).

Vallone fails to disclose wherein replay function is activated in response to first signal exhibiting a first duration of time and wherein reverse function is activated in response to first signal exhibiting a second duration of time different from first duration and wherein skip function is activated in response to second signal exhibiting a third duration of time and wherein forward function is activated in response to second signal exhibiting a fourth duration of time different from third duration.

Wood discloses wherein replay function is activated in response to first signal exhibiting a first duration of time and wherein reverse function is activated in response to first signal exhibiting a second duration of time different from first duration and wherein skip function is activated in response to second signal exhibiting a third duration of time and wherein forward function is activated in response to second signal exhibiting a fourth duration of time different from third duration (fig. 2-3, col. 3 lines 30-col. 4 lines 24).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Vallone's system to include different duration, as taught by Wood, of different signal for giving a viewer more flexibility to control in different duration while they are watching a program.

3. In **claim 2**, the video playback apparatus wherein the replay function is invoked upon receipt of the first signal (Vallone, Fig. 9, Col. 10 line 4-19, Col. 18 line 65-68, Col.20 line 32-47) exhibiting duration of time below a first replay-reverse predetermined threshold, and the reverse function with a first reverse speed is invoked upon receipt of the first signal exhibiting duration of time above the first replay-reverse predetermined threshold, and wherein the skip function is invoked upon receipt of the second signal exhibiting duration of time below a first skip-forward predetermined threshold and a first forward function with a first forward speed is invoked upon receipt of the second signal exhibiting duration of time above the first skip-forward predetermined threshold (Wood, fig. 2-3, col. 3 lines 30-col. 4 lines 24).

4. According to **claim 3**, Vallone discloses the video playback apparatus wherein the first skip-forward predetermined threshold is one second and the first replay-reverse predetermined threshold is one second (User can select the duration what they want. Col. 18 line 65-67).

5. Regarding **claim 4**, Vallone discloses the video playback apparatus wherein the reverse function has the first reverse speed and a second reverse speed faster than the first reverse speed, and upon receipt of the first signal exhibiting duration of time greater than the first replay-reverse predetermined threshold, the first reverse speed is invoked, and upon receipt of the first signal exhibiting duration greater than a second replay-reverse predetermined threshold, the second reverse speed is invoked (User can select

the speed e.g. x, 2x, 3x etc. Here 2x is greater than the x and 3x is greater than 2x, x. Col. 18 line 65-67, Col. 10 line 17-19).

6. Forward **claim 5** is rejected for the same reason as discussed in the corresponding reverse claim 4 above (Col. 10 line 17-19).

7. In **claim 6**, the video playback apparatus wherein upon receipt of the second signal (Vallone,Col. 20 line 40-47) exhibiting duration greater than a next greater skip-forward predetermined threshold, the next faster forward speed is invoked, up to the highest available forward speed (Wood, fig. 2-3, col. 3 lines 30-col. 4 lines 24).

8. In **claim 7**, Vallone discloses the video playback apparatus wherein the second forward predetermined threshold is at least one second greater than the first forward predetermined threshold (User can select the duration. Col. 18 line 65-67).

9. Reverse **claim 8** is rejected for the same reason as discussed in the corresponding forward claim 6 above.

10. **Claim 9** is rejected for the same reason as discussed in corresponding claim 7 above.

11. According to **claim 10**, Vallone discloses the video playback apparatus of claim 1 having 2x, 4x, 8x, and 16x forward speeds and –2x, -4x, -8x, and –16x reverse speeds (Col. 18 line 60-67).

12. In **claim 11**, Vallone disclose the video playback apparatus wherein duration of a remote control signal selected from the first signal and the second signal is calculated based on number of repetitions of code signal included in the remote control signal received, each repetition separated by a predetermined gap (User can change the duration by pressing the key button between 1-10 seconds).

13. In **claim 12**, Vallone discloses the video playback apparatus of claim 11 wherein the predetermined gap is between 1 and 10 milliseconds (User can change the duration by pressing the key button between 1-10 seconds).

14. In **claim 13**, Vallone discloses the video playback apparatus wherein an end of a remote control signal is calculated upon a gap between repetitions of receipt of a code signal of greater than 20 milliseconds in the remote control signal (User can change the duration by pressing the key button between 1-10 seconds).

15. According to **claim 14**, Vallone discloses the video playback apparatus having one or more functionalities in addition to video playback, the functionalities selected

from DSL, integrated receiver-decoder, WinTV, and personal computer (Col. 3 line 55, 56).

16. In **claim 15**, Vallone discloses a remote control device for using with a video playback apparatus having a replay-reverse multipurpose key and a skip-forward multipurpose key for generating the first signal and second signal, respectively, when activated (Col. 10 line 4-19).

17. In **claim 16**, Vallone discloses the remote control device having means to send the first signal when the replay-reverse multipurpose key is pressed and the second signal when the skip-forward multipurpose key is pressed (Col. 10 line 4-19).

18. **Claim 17** is rejected for the same reason as discussed in corresponding claim 11 above.

19. **Claim 18** is rejected for the same reason as discussed in corresponding claim 12 above.

20. **Claim 19** is rejected for the same reason as discussed in corresponding claim 12 above.

21. In **claim 20**, Vallone discloses a system comprising a video playback apparatus and a remote control device having a replay-reverse multipurpose key for generating the first signal and a skip-forward multipurpose key for generating the second signal (Col. 10 line 4-19).

22. **Claim 21** rejected for the same reason as discussed in the corresponding claim 1 above.

23. In **claim 22**, Valone discloses a electronic playback apparatus (Col. 7 line 10-16) capable of receiving an external speed control signal for controlling playback speed, the electronic playback apparatus comprising:

- A receiver for receiving the external speed control signal (Col. 13 line 39-53)
- A microprocessor for varying the playback speed according to duration of the external speed control signal (Col. 4 line 33-40, Col. 6 line 54-63).

Vallone fails to disclose the external speed control signal exhibiting one of a first duration of time and at least a second duration of time, wherein the first duration is different from the second duration and wherein a first playback speed is selected in response to the external speed control signal exhibiting the first duration of time and wherein a second playback speed different from the first playback speed is selected in response to the external speed control signal exhibiting the second duration of time.

Wood discloses the external speed control signal exhibiting one of a first duration of time and at least a second duration of time, wherein the first duration is different from the second duration and wherein a first playback speed is selected in response to the external speed control signal exhibiting the first duration of time and wherein a second playback speed different from the first playback speed is selected in response to the external speed control signal exhibiting the second duration of time (fig. 2-3, col. 3 lines 30-col. 4 lines 24).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Vallone's system to include different duration, as taught by Wood, of different signal for giving a viewer more flexibility to control in different duration while they are watching a program.

24. Regarding **claim 23**, Vallone discloses the electronic playback apparatus wherein the playback speed is forward speed (Col. 7 line 7-16).

25. In **claim 24**, Vallone discloses the electronic playback apparatus wherein the playback speed is reverse speed (Col. 7 line 7-16).

26. According to **claim 25**, Wood discloses the electronic playback apparatus wherein the external speed control signal is a signal generated by holding down a key for a skip-forward function (fig. 2-3, col. 3 lines 30-col. 4 lines 24).

27. In **claim 26**, Wood discloses the electronic playback apparatus wherein the external speed control signal is a signal generated by holding down a key for a play function (fig. 2-3, col. 3 lines 30-col. 4 lines 24).

28. In **claim 27**, Wood discloses the electronic playback apparatus wherein the external speed control signal is a signal generated by holding down a key for a replay-reverse function (fig. 2-3, col. 3 lines 30-col. 4 lines 24).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGAR CHOWDHURY whose telephone number is (571)272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC
03/28/2008

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